

BLAND, C., 3d August, 1831.—The exceptions to the answer standing ready for hearing, the solicitors of the parties were fully heard and the proceedings were read and considered.

This is properly a bill of discovery, and nothing more; and therefore the case must finally terminate here with the answer; it can go no further; there can be no hearing upon the merits as where relief as well as discovery is asked for. *Hindman v. Taylor*, 2 Bro. C. C. 8; *Shaftsbury v. Arrowsmith*, 4 Ves. 71. This Court having no criminal jurisdiction itself, meddles with no cases of that description which may be brought before any other tribunal; and therefore a plaintiff here can only obtain a disclosure of facts by a bill of discovery in relation to a civil case; either to enable him to commence his action aright, or to prosecute it with effect. If upon the face of the bill, it appears that there can be no remedy, the plaintiff here cannot have a discovery, which in such case would be useless and altogether impertinent; nor can a bill of discovery be sustained against any one not interested in the matter in dispute, who may be examined as a witness; and consequently, the plaintiff must by his bill point out the individual who he has already sued, or against whom he means to bring his action; and also so state the nature of his case as to enable the Court to judge of the alleged liability of the person designated as a defendant. *Rondeau v. Wyatt*, 3 Bro. C. C. 155; *The Mayor of London v. Lery*, 8 Ves. 404; *Cartwright v. Hateley*, 1 Ves. Jr. 292.

This plaintiff states that he is seeking the relief he claims by an action now depending in a Court of common law; and although he has by very brief and general expressions stated the nature of his case; yet its character and object are sufficiently shewn to enable this Court to judge of the bearing of the liability, and to see that if his claim has any foundation whatever, in point of fact, the *action at common law has been properly originated and **398** now revived against these defendants; and therefore he is entitled to the discovery he asks from them.

This, it has been urged, being a mere bill of discovery, in which the plaintiff asks only for a disclosure of the defendant's knowledge of a specified fact, they cannot be permitted to set forth, in their answer, any thing foreign to that special inquiry. If this position be correct, then every thing in an answer to a bill of this kind, which cannot be comprehended within the terms of the interrogatories propounded, no matter what may be the nature of the case, must be rejected as irrelevant. The validity of this position, therefore, presents a preliminary question, which must be determined before any inquiry can properly be gone into as to how far the matter objected to may be considered as impertinent in regard to the whole case as stated by this bill.

If a plaintiff has a right to relief in this Court, he has a right to an answer from the defendant to every allegation of his bill, the